

JESSE COPELAND §  
v. § CIVIL ACTION NO. 9:08cv94  
BRAD LIVINGSTON, ET AL. §

A copy of this Report was sent to Copeland's last known address, return receipt requested, but was returned marked "refused." No objections have been received, and so Copeland is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings, documents, and testimony in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as frivolous and for failure to state a claim upon which relief may be granted. It is further

ORDERED that the Court declines jurisdiction over the Plaintiff's state law claims, including but not limited to his claims under the Texas Religious Freedom and Restoration Act, and so such claims are DISMISSED with prejudice as to their refiling in federal court, but without prejudice as to their refiling in the courts of the State of Texas. The statute of limitations on these claims shall be tolled from the date that the lawsuit was filed, May 10, 2008, until 30 days after the date of entry of final judgment. 28 U.S.C. §1367(d). Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So **ORDERED** and **SIGNED** this **7** day of **August, 2009**.



---

Ron Clark, United States District Judge